

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: May 17, 2011
RE: 11-0547PD; 196 North Champlain Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RM Ward: 3

Owner/Applicant: Anthony Tran

Request: Combined preliminary/final plat review of planned unit development (PUD) to remove garage and construct a new detached single family home on lot with existing single family home

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Background Information:

The applicant is seeking approval to construct a new detached dwelling unit on a property containing an existing single family home. As a result, the project constitutes a major PUD; however, at just 2 units, it qualifies for combined preliminary and final plat review. An existing garage will be removed, and associated driveway construction and other site alterations are proposed. Although the property is not being subdivided, a boundary survey of the property must be filed in the Land Records following approval.

The Design Advisory Board reviewed this project twice and unanimously recommended approval of it on April 12, 2011 subject to the following conditions:

1. An accurate, verifiable construction cost estimate is needed.
2. Window materials must be noted on the building elevation plans.
3. All utility meters must be screened with screening details provided on the project plans.
4. Either submittal of a revised plan providing a minimum of two additional parking spaces or a clearly articulated parking management plan per Article 8, *Parking*.

Materials have been submitted to address most of the DAB's recommendations. Only the window material notation remains outstanding.

There are no previous zoning actions for this property.

Recommendation: Consent approval as per, and subject to, the following findings and conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The subject property is located in the RM zone. This zone is primarily intended for medium density residential development in the form of single family homes and multi-family apartments. The proposed development is consistent with the intent of the RM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

There is no minimum lot size requirement in the RM zone.

Residential density is limited to 20 units per acre. The proposed 2nd unit on this 0.17 acre lot is compliant ($20 \times 0.17 = 3$ units).

Lot coverage is limited to 40%, with an additional 10% allowed for open porches, decks, and patios. The proposed lot coverage adds up to 40.2%, including 3.5% for open porches and is compliant.

The corner lot has two front yards and two side yards. The 100.5' X 66' lot requires a 10' eastern side yard setback and a 6.5' northern side yard setback. The western front setback will not change. The southern front yard setback is based on the average of the two neighboring properties to the east. In this case, the average appears to be one or two feet. The required setback for the proposed structure is +/- 5' from this average. The proposed home is set back too far from the southern front property line and must be brought forward based on a final calculation of what the actual average setback is of the two neighboring properties. The development remains viable if the home is moved forward; however, the driveway and garage may need to be modified.

The proposed two story home is well under the 35' height limit in the RM zone. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The additional dwelling unit is a permitted use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are sought.

2. Height

Not applicable in RM.

3. Lot Coverage

Lot coverage is compliant as noted in criterion (b) above.

4. Accessory Residential Structures and Uses

The attached garage is the only accessory structure included in this proposal and is compliant with the size limitations of this criterion. **(Affirmative finding)**

5. Residential Density

The existing and proposed residential units are subject to the functional family provisions of the Comprehensive Development Ordinance. **(Affirmative finding as conditioned)**

6. Uses

Not applicable.

7. Residential Development Bonuses

No development bonuses are being sought.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Outdoor lighting will illuminate building entries and is depicted on the elevation drawings. A fixture cutsheet has been provided and depicts an acceptable residential fixture. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

The project, although small, is large enough to require an erosion control plan. Such plan has been submitted and forwarded to the Stormwater Administrator for review and approval. Post construction stormwater management will be limited to onsite infiltration into green space. Consultation with the Stormwater Administrator will be required for any additional measures. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

There are no important natural features on the subject property. Existing and proposed open space consists of lawn and garden areas. **(Affirmative finding)**

(b) Topographical alterations

The property is flat and will remain so. No topographical alterations are proposed. **(Affirmative finding)**

(c) Protection of important public views

There are no designated view sheds from or through the property. **(Affirmative finding)**

(d) Protection of important cultural resources

The proposed development site has no known archaeological resources. It is some 3 blocks away from the nearest known Civil War burial sites. **(Affirmative finding)**

(e) Supporting the use of alternative energy

There is no indication that the proposed development will utilize alternative energy. The project's construction will not inhibit the potential use of alternative energy onsite or on adjacent properties. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield.

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

There is sufficient room onsite for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation

The proposed structure is oriented towards Cedar Street. Its placement is generally consistent with the existing development pattern and rhythm of structures along the street; however, as noted previously it needs to be pushed closer to Cedar Street to comply with the front yard setback. The proposed home has a clearly identifiable front entrance that is enhanced by an open front porch. The attached garage is set back from the front property line 33'. Moving the house forward may result in moving the garage as well; however, it must remain at least 25' from the front property line. The width of the entire structure along Cedar Street is 40'. The garage is 12' wide and complies with the 30% width limit (i.e. no more than 30% of the total width of the front façade). **(Affirmative finding as conditioned)**

(i) Vehicular access

The existing driveway will remain, albeit slightly modified. Per recommendation of the DAB, additional parking has been provided in the form of a 2nd driveway. The curb cut for this new driveway will require a curb cut permit from the Department of Public Works. **(Affirmative finding as conditioned)**

(j) Pedestrian access

The site plan approved by the DAB contained a walkway between the new home's front porch and the public sidewalk. The site plan as modified to contain a new driveway no longer contains this connection and must. There is adequate green space remaining to make the connection while complying with the 40% coverage limit. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

No handicap access details have been provided. It is the applicant's responsibility to insure that the project complies with all applicable ADA requirements. **(Affirmative finding as conditioned)**

(l) Parking and circulation

Parking for the two dwelling units will be provided in the form of two driveways (one existing and one proposed) and a single bay garage. The driveways will be sufficiently long enough to provide two tandem parking spaces each. This tandem arrangement is acceptable for the two units.

(Affirmative finding)

(m) Landscaping and fences

Several new bushes and lawn area will constitute the landscaping associated with this proposal. The species of bushes and their size at the time of planting should be provided. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

All new utility lines must be buried. No ground mounted mechanical equipment is proposed.

(Affirmative finding)

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the proposed building is consistent with that of existing homes in the neighborhood. A photo simulation of the proposed home within the context of the existing neighborhood has been provided. **(Affirmative finding)**

2. Roofs and Rooflines

The home will have a gable roof with a shed roof over the attached garage. The proposed roof forms are consistent with those of other structures in the area. **(Affirmative finding)**

3. Building Openings

Fenestration is appropriately scaled throughout the building. Windows consist mostly of double hung units with some smaller casement or awing windows interspersed. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing residence was constructed in 1886 and is included on the State Register of Historic Places. It retains much of its original form and its slate roof; however, it has been clad in vinyl siding. It is a typical vernacular style single family home of 1 ½ stories with a gable roof and porch (now enclosed). The massing and form of the proposed structure are sympathetic to this existing historic building. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The proposed residence includes a varied front façade along the street edge. A variety of elevation planes and roof forms are incorporated, as is an open front porch. A walkway to the public sidewalk must be provided as previously noted. **(Affirmative finding as conditioned)**

(e) Quality of materials

The proposed structure will be clad in cement fiberboard siding with asphalt shingle roofing. Wooden trim and porch elements are proposed. Clad wooden windows will be installed but have yet to be explicitly noted on the elevation plans and must be. The materials are of acceptable quality and durability. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The proposed building must comply with the city's current energy efficiency standards. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising features are included in this proposal.

(h) Integrate infrastructure into the building design

Utility meters are depicted on the plans. They will be located on the sides of the building out of direct public view and are acceptable. **(Affirmative finding)**

(i) Make spaces safe and secure

Window dimensions have been noted and appear to comply with egress requirements. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The two dwelling units will require 4 parking spaces (2 per unit). The required parking spaces will be provided in the existing and proposed driveways and garage. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements

No bicycle parking is required for the proposed single dwelling unit. **(Affirmative finding)**

Article 10: Subdivision

Sec. 10.1.9, Final Plat Approval Process

(d) Review Criteria

See Articles 3, 4, 5, and 6 of these findings.

Article 11: Planned Unit Development

Sec. 11.1.6, Approval Requirements

(a) Lot coverage requirements of the district shall be met

Lot coverage is compliant as noted in Sec. 4.4.5 (b). **(Affirmative finding)**

(b) The minimum setbacks required for the district shall be met

Side yard setbacks are compliant as noted in Sec. 4.4.5 (b). The southern front yard setback requires that the new house be moved closer to Cedar Street as noted in Sec. 4.4.5 (b).

(Affirmative finding as conditioned)

(c) The minimum parcel size shall be met if the project is located in a RL or RL-W district

Not applicable.

(d) The project shall be subject to design review and site plan review of Article 3, Part 4

See Article 3 above.

(e) The project shall meet the requirements of Article 10 for subdivision review

See Article 10 above.

(f) All other dimensional, density, and use requirements of the underlying zoning district shall be met as calculated across the entire property

See Article 4 above.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

Yard space on the property will be held and maintained by the property owner(s) of the two dwelling units. **(Affirmative finding)**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

No build-out/phasing schedule has been provided and does not need to be for a project of this size.

(Affirmative finding)

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests

Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The proposed dwelling unit is appropriate for this property. The lot size of 7,293 sf precludes a traditional subdivision into two lots of at least 4,000 sf. The PUD process enables multiple residential structures on the shared lot. **(Affirmative finding)**

(b) Facilitate the adequate and economical provision of streets and utilities;

Not applicable.

(c) Preserve the natural and scenic qualities of open space;

Not applicable.

(d) Provide for a variety of housing types;

A single new dwelling unit is proposed. While lacking diversity, it is all the subject property can support in light of dimensional and parking limitations. **(Affirmative finding)**

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,

As noted in (a) above, the size of the existing parcel precludes a subdivision. The PUD process allows for an additional dwelling unit on the subject parcel. **(Affirmative finding)**

(f) Achieve a high level of design qualities and amenities.

The project design is consistent with the existing pattern of development in the neighborhood and has received a recommendation for approval from the Design Advisory Board. **(Affirmative finding)**

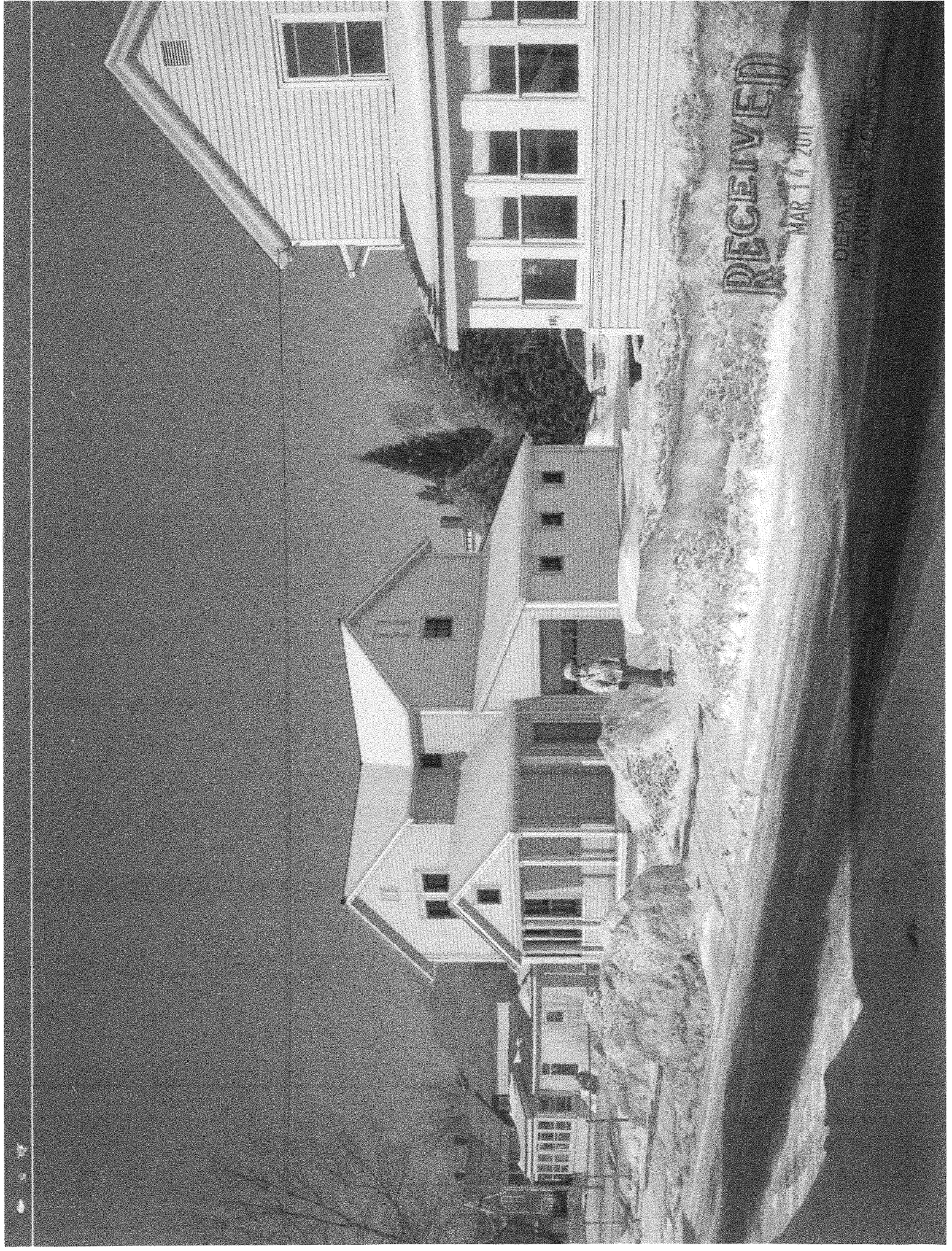
(j) The proposed development shall be consistent with the Municipal Development Plan

The proposed development is very modest in scope. Insofar as the proposed dwelling unit is consistent with the intent of the RM zone, reflects the existing development pattern within the neighborhood, and leaves the existing historic building intact, the project can be found in compliance with the Municipal Development Plan. **(Affirmative finding)**

II. Conditions of Approval

1. **Within 180 days of the date of final approval**, a mylar copy of the property plat, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval. A paper copy of the plat shall be submitted, subject to staff review and approval prior to filing the mylar with the City Clerk.
2. **Prior to release of the zoning permit**, revised plans shall be submitted, subject to staff review and approval. The revisions shall include:
 - a) The new house moved forward to comply with the front yard setback;
 - b) A walkway connection from the new front porch to the public sidewalk;
 - c) The species and size of new plantings at the time of installation; and,
 - d) Notation of window materials on the elevation drawings.
3. **Prior to release of the zoning permit**, written approval of erosion control and stormwater management procedures shall be obtained from the Stormwater Administrator.
4. **Prior to release of the zoning permit**, written confirmation of adequate wastewater capacity from the Department of Public Works shall be obtained.
5. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
6. The second driveway requires a curb cut permit from the Department of Public Works.
7. The existing and proposed residential units are subject to the functional family provisions of the Comprehensive Development Ordinance.
8. All new utility lines shall be buried.
9. A State of Vermont wastewater permit is required.

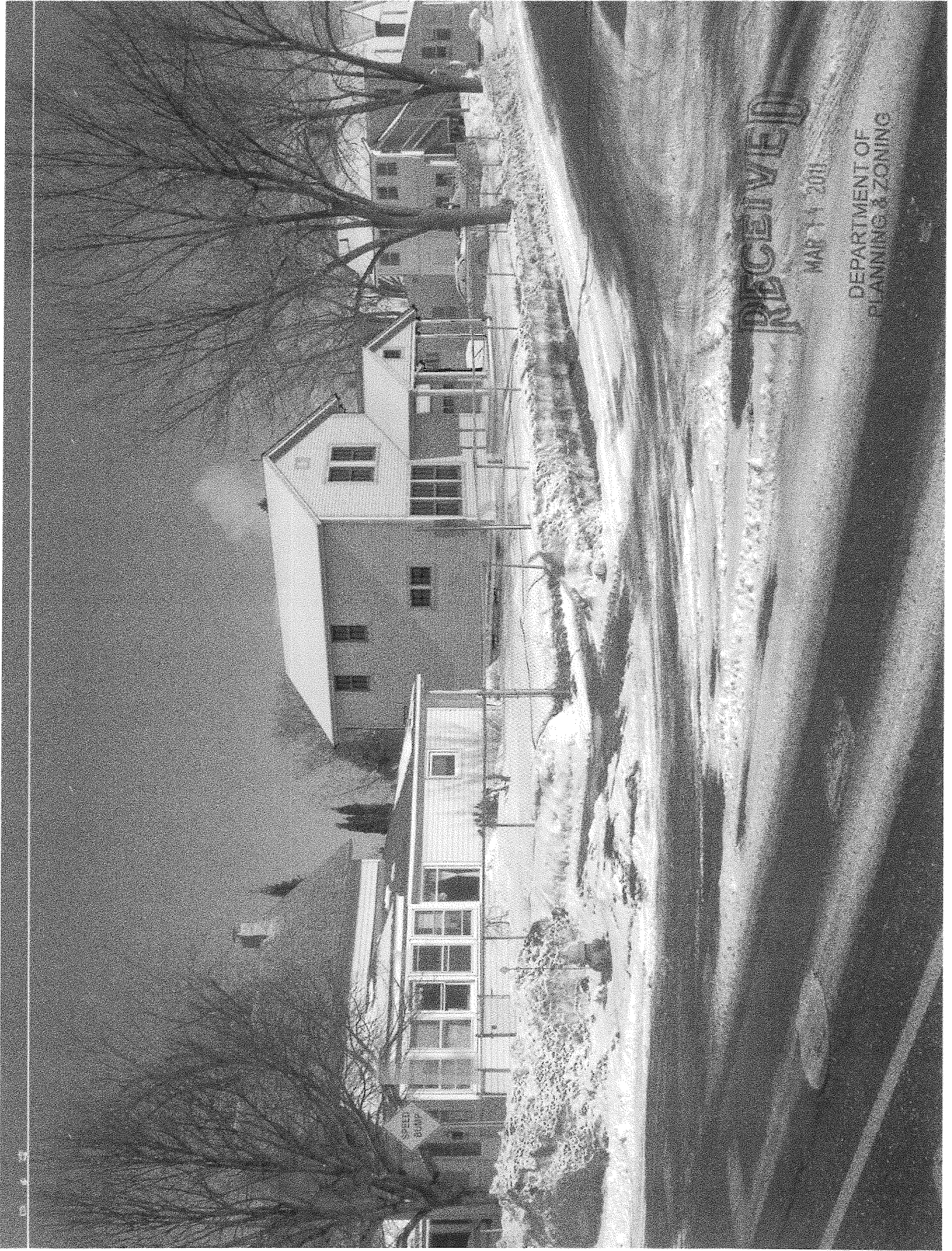
10. The proposed structure shall comply with Burlington's current energy efficiency standards and with Burlington's current egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
11. It is the applicant's responsibility to comply with all applicable ADA requirements.
12. This property is subject to all applicable nuisance regulations and performance standards in the Burlington Code of Ordinances.
13. Standard permit conditions 1 – 18.



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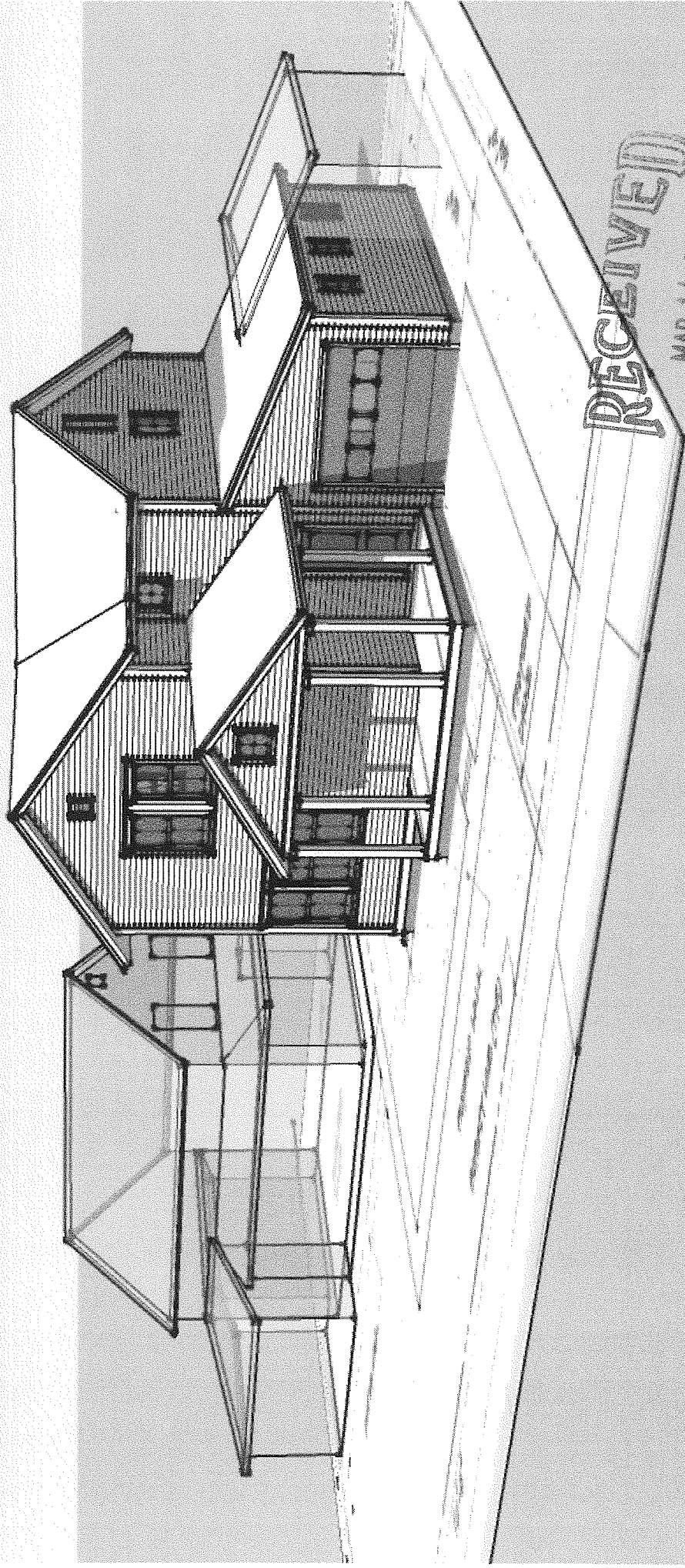
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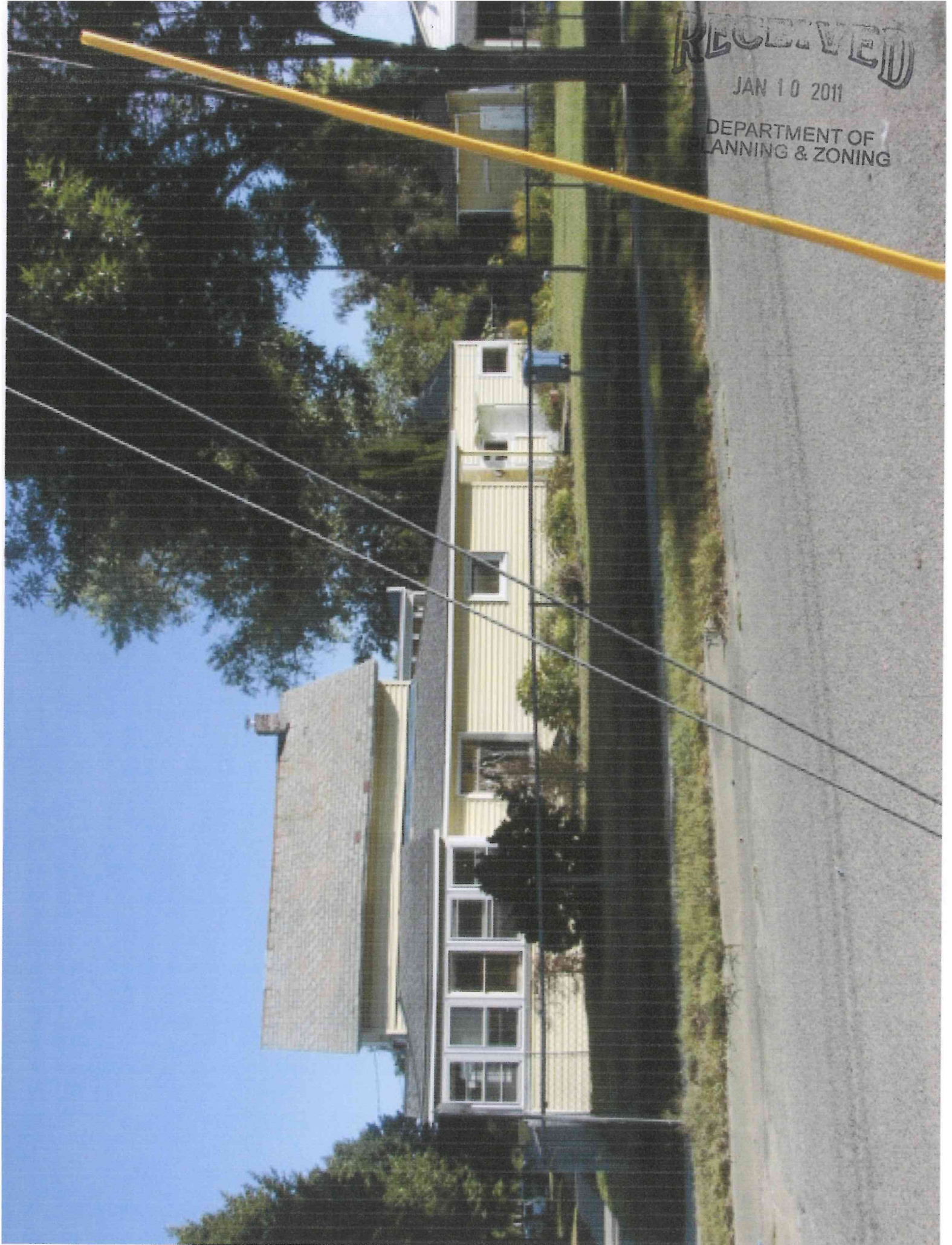
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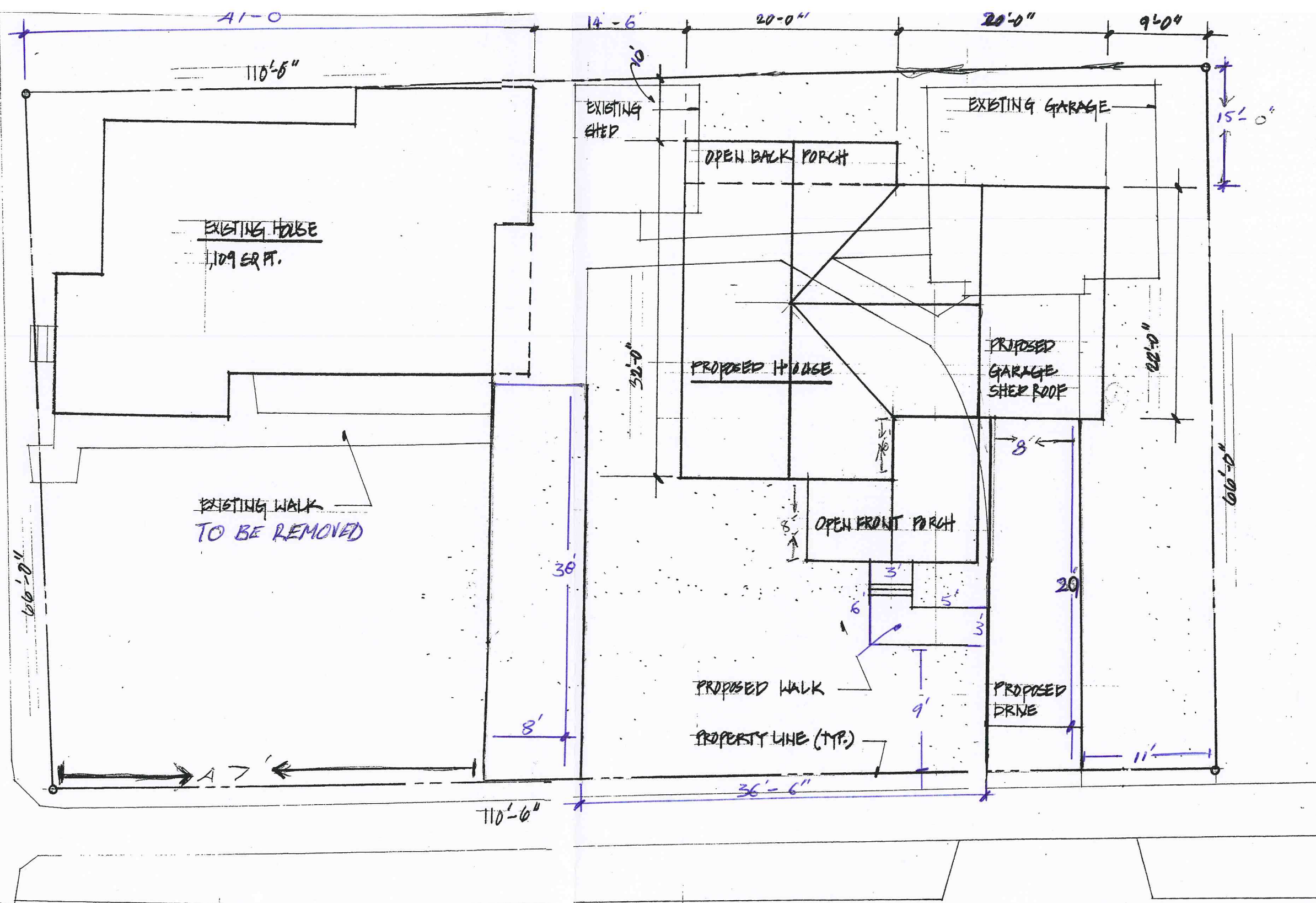
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NORTH CHAMPLAIN STREET



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APR 29 2011

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CEDAR STREET

196 NORTH CHAMPLAIN STREET

110'5"

LOT = 66 x 110.5 = 7,293 SQ. FT.

EXISTING HOUSE = 1,109 SQ. FT.

EXISTING GARAGE = 396 SQ. FT. (TO BE REMOVED)

EXISTING SHED = 144 SQ. FT. (TO BE REMOVED)

EXISTING WALK TO BE REMOVED 126 SQ. FT.

EXISTING DRIVE = 405 SQ. FT. (TO BE REMOVED)

ALLOWABLE COVERAGE = 40% + 10% FOR PORCHES

PROPOSED NEW SINGLE FAMILY HOUSE 736 SQ. FT.

PROPOSED GARAGE = 12 x 22 = 264 SQ. FT.

PROPOSED DRIVE = 8 x 29 = 232 SQ. FT.

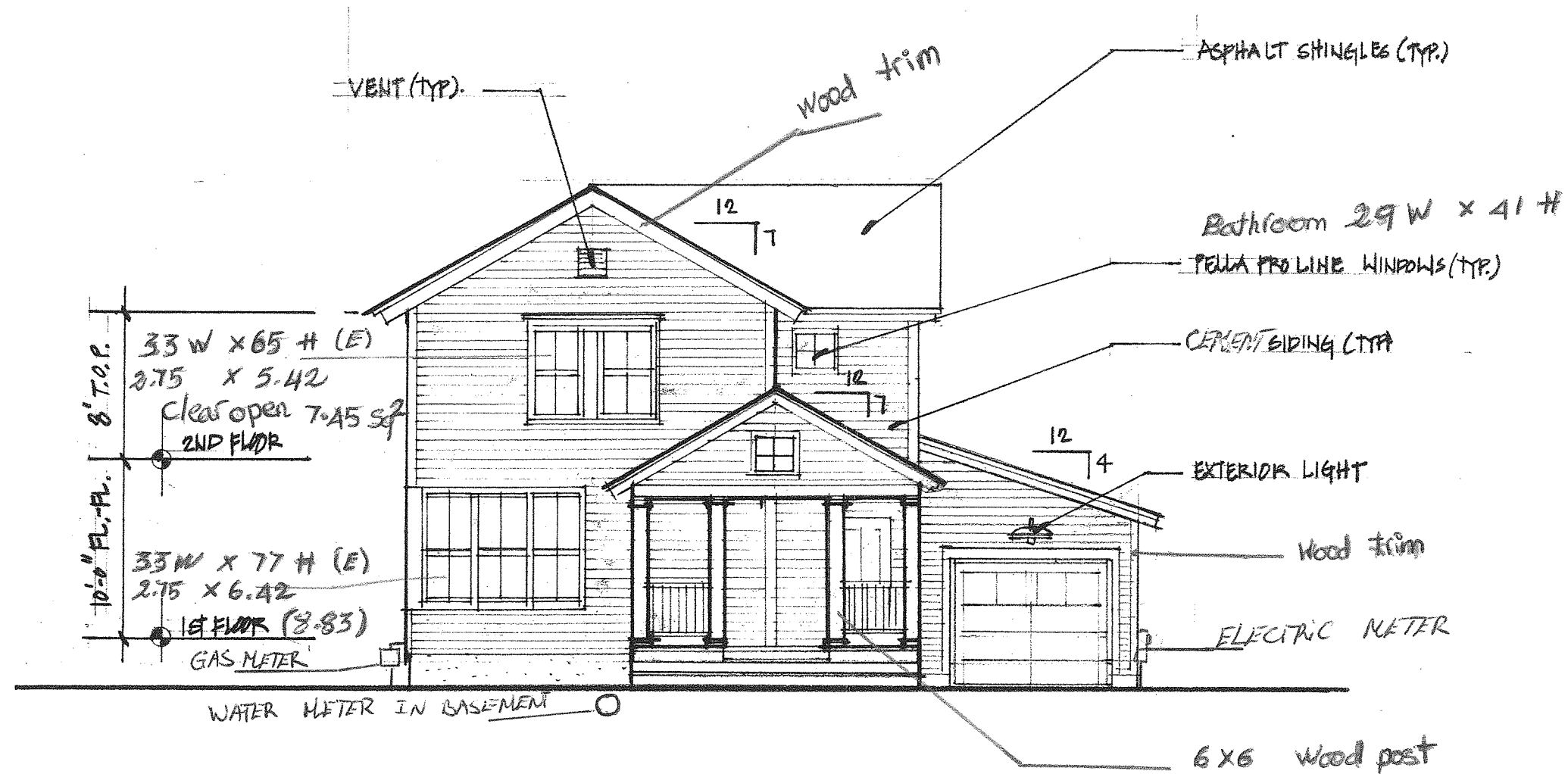
8 x 36 = 288 SQ. FT. + 165

PROPOSED WALK 33 SQ. FT.

EXISTING HOUSE TO REMAIN = 1,109 SQ. FT.

PROPOSED OPEN PORCHES = 256 SQ. FT.

116 (2,918 SQ. FT. ÷ 7,293) x 100% = 40.01%



SOUTH ELEVATION

1/8" = 1'-0"

1/7/11

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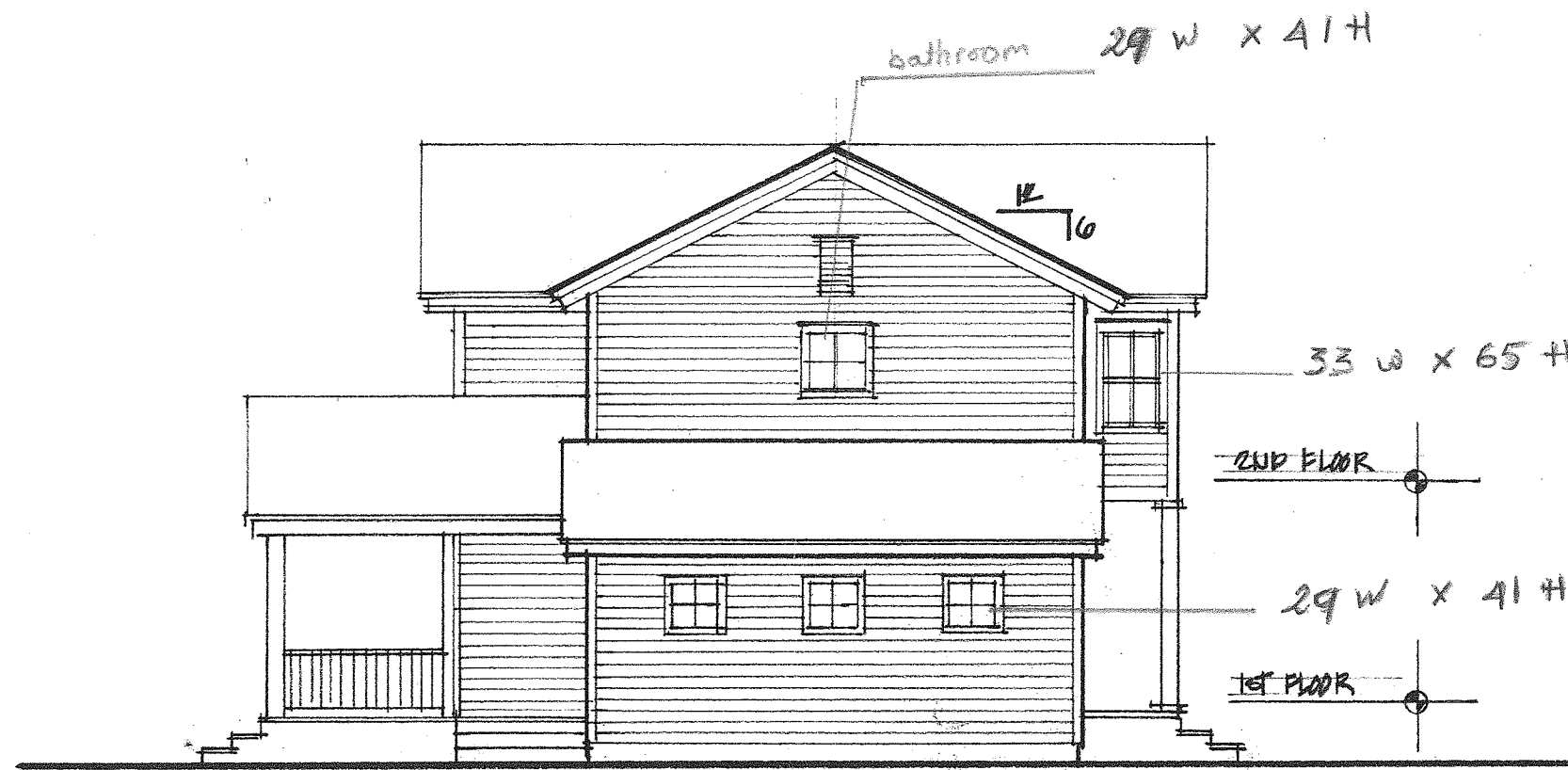
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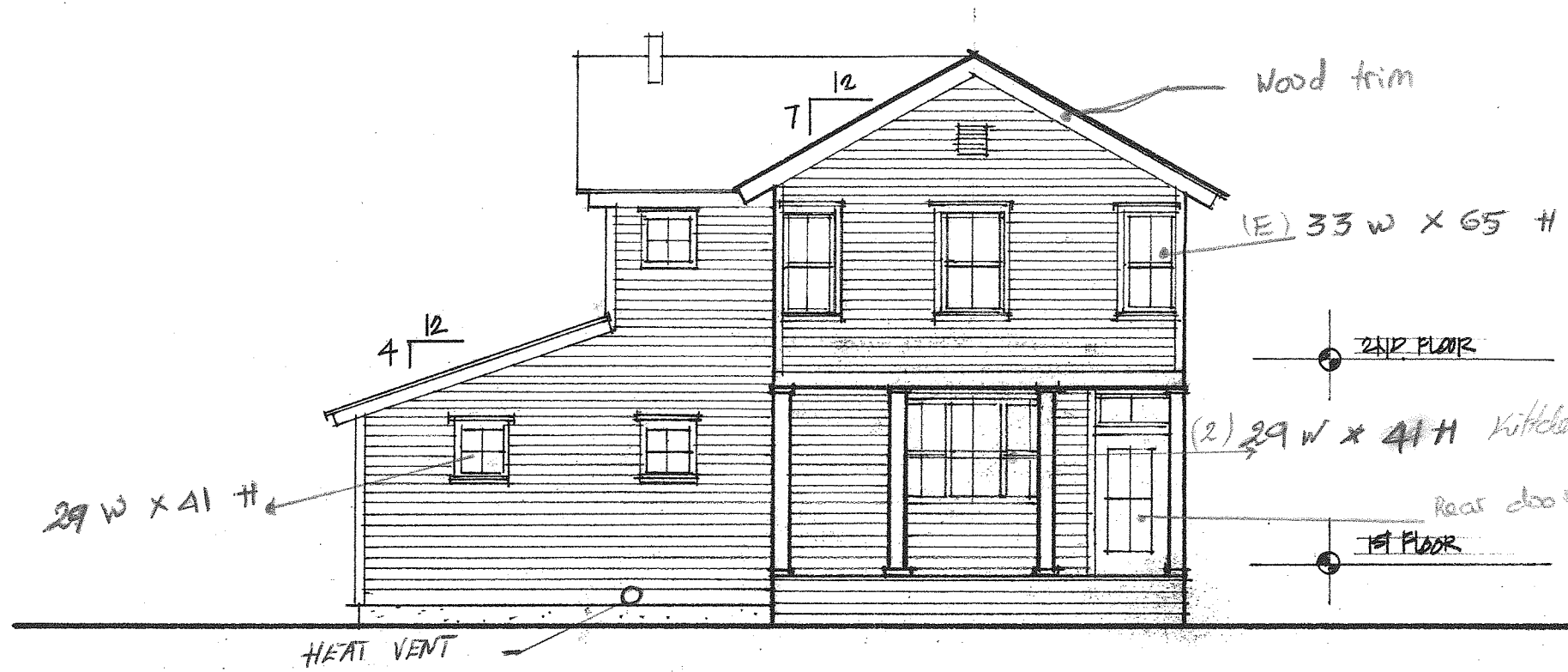
1/8" = 1'-0"

1/7/11

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Egress Code
Window meets minimum clear open of
24" H, 20" W and 5.7 sq. ft

NORTH ELEVATION
1/8" = 1'-0"

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